Rules of the certification of Anti-bribery Management System

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Technical Rules
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CHAPTER 1
OVERVIEW

1.1
These Rules define the additional and not substitutive procedures applied by RINA for the certification of Anti-bribery Management System compared to what is already defined in the General Rules for the Certification of Management Systems.

The paragraphs in these Rules refer (and maintain the same numbering) to the corresponding paragraphs in the General Rules for the Certification of Management Systems for which amendments and/or integrations have been made.

1.2
RINA issues certificates in accordance with the requirements of the UNI CEI EN ISO/IEC 17021: 2015 Standard to organisations whose Management System has been recognised as complying with all the requirements of the ISO 37001: 2016.

1.4
ISO 37001 certification may be requested by any type of organization, of any size and/or nature.

The certification is issued to a single legal entity and includes all the sites, branches, secondary offices, activities and processes actually carried out by the organization.

There is no possibility of exclusion for any site or process within the same Country.

It is possible, however, to limit the application to specific countries, but the scope must always include sensitive processes and activities carried out abroad when carried out under the responsibility and direct control of the organization (eg representative offices or secondary offices brokers).

In any case, it may however be necessary to evaluate some aspects related to the Head Office, despite not being included in the scope of the certificate.

CHAPTER 2
REFERENCE STANDARD / CERTIFICATION REQUIREMENT

2.1
To obtain the certification by RINA, an Anti-bribery Management System shall fulfill initially and in the course of time the requirements of ISO 37001:2016 standard and the additional ones indicated by the Accreditation Bodies.

2.2
2.2.1 To be fully operational, an Anti-Bribery Management System, as well as complying with what is stated in the General Rules for the Certification of Management Systems, is to ensure that:

- The dimension, structure and authorities of the organization have been determined;
• The context in which the organization operates has been determined:
• The nature, size and complexity of the activities carried out by the organization have been determined:
• The business line of the organization have been determined;
• the relevant interested parties for the Anti-bribery Management System, and their requirements, have been determined;
• The subjects over which the organization has control and the entities exercising control over the organization;
• The business partners of the organization have been determined;
• The nature and extent of the organization’s relationship with public officials has been determined;
• The applicable legal, regulation, contractual and professional obligations and duties have been determined.
• The Antibribery Risk Assessment has been carried out on all processes and activities

2.2.2 The Organization shall be in possess of a document in which its scope is determined, by considering the requirements indicated at paragraphs 4.1, 4.2 and 4.5 of standard ISO 37001:2016 and the documented information as after paragraph 7.5 of the reference standard.

CHAPTER 3
FIRST CERTIFICATION

3.1

In addition to what is indicated at paragraph 3.1 of the General Rules for the Certification of Management Systems, the organization shall provide to RINA information related to:

• Antibribery risk assessment carried out, highlighting the sensitive processes carried out at each site subject to certification and the relevant number of employees involved
• Application of measures for preventing and controlling the risks of bribery (e.g. D.lgs 190/12; D.lgs 231/01, Sapin; UK Bribery Act
• Details related to the turnouts, in case of reception of contribution, compensations or public funds
• Reception from Public Entities or Public Companies or International Organization any kind of compensation or retribution, including those coming from the subscription of public contracts
• Involvement in the last 5 years in at least one judicial proceeding for corruption phenomena
• Participation to national or international tender notice
• Quotation on the Stock Market, if any

3.4

With reference to the documentation which the organization is to make available to RINA, the organization’s management manual and the list of internal procedures are not to be mandatorily made available.

3.5

In addition to what indicated on the General Rules for the Certification of Management Systems, the stage 1 audit shall always be performed at the organization premises, even in case of small/medium enterprises.

CHAPTER 8
MODIFICATION OF CERTIFICATION AND COMMUNICATION OF CHANGES

8.2

In addition to what indicated on the General Rules for the Certification of Management Systems, an organization which is certified or under certification shall timely inform RINA of any critical situation in which it is involved that may compromise the guarantee of the management system certification (e.g. scandals, crisis of involvement in any legal process for bribery or similar situations).

In the same way, the organization shall timely inform the CB of any event related to bribery events that may have involved one or more of its Human Resources, and the consequent actions undertaken to contain the effect of that event, the root-cause analysis and the related corrective actions.

RINA, after these notifications, should they come directly from the organization or from any other source, will carry out the necessary verifications and specific detailed studies and will be able to adopt the related measures such as: filing of the notification, financial penalties, strengthening of the inspection activities, determined after the adequacy of the response and the strategies adopted by the organization.
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